

CHAITMAN LLP

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Participating Claimants*

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

I, Robert Blecker, declare, under penalty of perjury, as follows:

1. My father, Aaron Blecker, is represented by Chaitman LLP in the above-captioned litigation.

2. I graduated from Harvard Law School in 1974, was subsequently a Harvard Fellow in Law & Humanities, a Special Assistant Attorney General prosecuting corruption, and am currently Professor of Law at New York Law School, having taught legal ethics, among other subjects.

3. I make this declaration in opposition to the Trustee's Motion *in Limine* Number 3 to Exclude Deposition Testimony of Aaron Blecker. (ECF No. 14356, 58).

4. It has come to my attention that Irving Picard, the Trustee for the SIPC liquidation of Bernard L. Madoff Investment Securities, LLC ("BLMIS"), is demanding that counsel for my father demonstrate why my father is unavailable to testify in the above-captioned proceeding. (ECF No. 14356, 58).

5. My father is now 105 years old, walks only with a walker, and finds it very difficult to get in and out of a car.

6. In spite of the fact that my father never withdrew a penny from his Madoff account and lost hundreds of thousands of dollars he had set aside for his great grandchildren's education, the Trustee denied my father's SIPC claim in 2009 and continues to deny it to this day. This has caused significant emotional distress to my father, who is already in a weakened condition due to his advanced age.

7. I was with my father when he was deposed in 2014 at home at the Court's suggestion. The Trustee's counsel questioned him at that time. I am informed by my father's counsel, Helen Davis Chaitman, that, shortly thereafter, at the request of the Trustee, she arranged for the Trustee to continue questioning my father but the Trustee's counsel informed her that the Trustee did not wish to question him. At that time, he was 103 years old.

8. Given my father's current physical condition, if he were compelled to give additional testimony, this would cause further physical and emotional stress to him and could severely jeopardize his health. It is inconceivable to me that the Trustee – having turned down an opportunity to question my father two years ago – would have the right, at this time, to further jeopardize his health by imposing the enormous stress on him of further testimony.

9. I am my father's son and, of course, not a disinterested party, but I feel it is unconscionable that the Trustee – solely as a litigation tactic – would put at risk my father's fragile health, after he has (in our view) unnecessarily and persistently hindered his legitimate claim.

10. I submit this declaration based on firsthand knowledge.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

November 16, 2016

/s/ Robert Blecker

Robert Blecker

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2016, I caused a true and correct copy of the foregoing document to be served upon the parties in this action who receive electronic service through CM/ECF and by electronic mail upon:

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